

### **REMARKS**

Claims 16-19, 21, 33, 34, 36-41, and 43-49 were pending in the current application. Applicants have amended the specification and claims 17, 18, 40, and 45. Reexamination and reconsideration of all of the claims, as amended, are respectfully requested.

#### **Specification**

The Office Action objected to the number of words in the specification. Applicants have amended the specification to be under 150 words and submit that the specification conforms to MPEP 608.01(b). Applicants have also amended certain typographical errors in the paragraph beginning at page 12, line 3.

#### **Claim Objections**

The Office Action objected to the use of “AR” in certain pending claims. While Applicants submit that the term “AR” is understood by one skilled in the art, in an effort to obtain early issuance of the present application, Applicants have amended the claims to state that AR represents “antireflective” for clarity and not for reasons related to patentability. Applicants further amended a slight clerical error in claim 17, again not for reasons related to patentability, and submit that all claims are acceptably worded.

#### **35 U.S.C. §§ 102 and 103**

##### ***Michaloski***

The Office Action rejected claims 16-19, 21, 33, 34, 36-41, and 43-49 under 35 U.S.C. §102(b) based on U.S. Patent 6,191,887 to Michaloski (“Michaloski”).

Michaloski at FIG. 1 shows a “diagram of an illuminator having a series of five delay lines, each in a circulating form for reducing speckle.” Michaloski, Col. 3, ll. 19-21. Differing distances are provided for each of the “delay lines” 20, 22, 24, 26, and 28, and pulses are split by beamsplitters 30, 32, 34, 36, and 38 to create a cascade of differently timed pulses from beamsplitter 38 toward detector 14 via output beam 68b. Regarding the

form of the output, Michaloski states “[e]ventually, the entire pulsed beam 18 exits the illuminator 10 as a composite of all of the pulselets in positions that are temporally offset from one another.” Michaloski, col. 4, ll. 24-27. Thus pulses are offset in time (“temporally”) **but not in angle**.

Claim 16 states “*wherein said beamsplitters and optical delay elements are oriented to provide said plurality of pulses to said target at varying angular offsets.*” Varying angular offsets are shown in the present application at, for example, FIG. 7 and described in relation thereto. Michaloski does not illustrate the beamsplitters and optical delay elements oriented to provide the plurality of pulses to the Michaloski detector 14 at varying angular offsets. As noted, the output beam 68b provides all Michaloski pulselets to detector 14 at apparently the same angle, but at different times.

The Office Action cites column 4, lines 13-30 of Michaloski in rejecting this aspect of the claims. The statement in the Office Action misquotes the claim language, instead stating that “beamsplitter and optical delay elements are oriented to provide said plurality of pulses *at a [sic] predetermined relative times.*” Office Action, p. 3. This is wrong – claim 16 requires varying angular offsets, not “predetermined relative times.” The Michaloski passage cited, partially quoted above, states:

Beamsplitter block 30 divides the pulsed beam 18 into pulselets 60a that recirculate around the delay line 20 and pulselets 60b that proceed to the next beamsplitter block 32, where a similar division of the pulselets 60b take place into pulselets 62a and 62b. Beamsplitter blocks 34, 36, and 38 divide incoming pulselets 62b, 64b, and 66b into further divided pulselets 64a and 64b, 66a and 66b, and 68a and 68b. Successive divisions of the recirculating pulselets 60a, 62a, 64a, 66a, and 68a take place at each of the beamsplitters 30, 32, 34, 36, and 38 such that the amplitudes of the recirculating pulselets 60a, 62a, 64a, 66a, and 68a progressively diminish after each recirculating cycle. Eventually, the entire pulsed beam 18 exits the illuminator 10 as a composite of all of the pulselets in positions that are temporally offset from

one another. A composite length " $L_T$ " of the temporally offset pulselets is preferably no greater than the integration interval of the detector 14.

This passage says nothing about angular offsetting, but does mention temporal offsetting.

Independent claim 36 includes a similar limitation, namely "wherein each beamsplitter and optical delay element is oriented to provide said plurality of pulses to the target at different times and *varying angular offsets*, thereby reducing speckle contrast of an image of the target" (emphasis added). For the reasons presented above, claim 36 is not anticipated by Michaloski.

Claim 43 includes the limitation that "said plurality of optical elements comprising at least one optical element having at least one total internal reflection (TIR) surface." This limitation is not addressed in the Office Action. However, Michaloski does not recite, suggest, nor disclose a total internal reflective (TIR) surface. The absence of a total internal reflective (TIR) surface from Michaloski indicates claim 43 is not anticipated by the reference.

All claims depending from independent claims 16, 36, and 43 are not anticipated, as they include limitations not shown in the cited reference.

***Tsai***

The Office Action rejects claims 16-19, 21, 33, 34, 36-41, 43-49 under 35 U.S.C. §102(e) based on Tsai, U.S. Patent Publication 2004/0095573 ("Tsai" or "Tsai publication"). Applicants are very familiar with the Tsai publication, as both inventors Chuang and Armstrong of the current invention are named inventors on the Tsai publication/application as well.

The present application was filed as a continuation of and claims priority based on then co-pending U.S. application Serial No. 07/737,024, filed December 12, 2000, to the

same inventors, and entitled "Peak Power and Speckle Contrast Reduction for a Single Laser Pulse." See TRANSMITTAL LETTER filed February 10, 2004.

The Tsai publication was filed on March 12, 2002 as a continuation-in-part of 09/796,117, filed February 28, 2001 claiming priority based on Provisional application 60/231,761, filed September 12, 2000. Based on this chain of priority, and based on the rejections of claims made and specific claim language, **Applicants respectfully submit that the Tsai reference does not constitute §102(e) prior art.** The claims presented in the present application and the aspects disclosed in the present application properly rely on a filing date for the present application of December 12, 2000, and Applicants fail to see how the Tsai publication, the 09/796,117 application, or the 60/231,761 provisional application anticipate the claims pursuant to §102(e) as alleged in the Office Action.

In short, while certain concepts are disclosed in the Tsai publication, the Tsai publication included certain new matter not shown in either the '117 application or the '761 provisional application. The reasoning in rejecting the present claims can primarily be supported by only the material disclosed in the Tsai publication and the associated March 12, 2002 filing date. Thus the present claims, as amended, are not anticipated by the Tsai reference, either because of the March 12, 2002 publication filing date or the lack of material in the '117 application and/or the '761 provisional application supporting such reasoning and rejection(s). Thus Applicants submit that the Tsai publication is not prior art against the present claims.

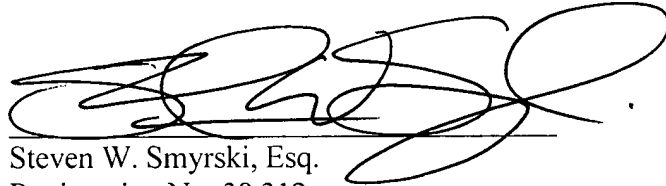
For the foregoing reasons, Applicants thus respectfully submit that claims 19, 21, 33, 34, 36-41, and 43-49, as amended, are allowable over the references of record, and that all claims dependent from these allowable independent claims are allowable as they include limitations not shown in the cited references, either alone or in combination.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all claims of the present application are in condition for search and Examination. Examination and consideration of all of the claims are respectfully requested and allowance of all the claims at an early date is solicited.

Applicants believe that no fees are required with the present response. Should it be determined for any reason an insufficient fee has been paid, please charge any insufficiency to ensure consideration and allowance of this matter to Deposit Account 502026.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Smyrski', is written over a horizontal line.

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